



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

August 31, 2015

Bill Lippincott
30 Wilbur Drive
Hampden, ME 04444

RE: MRC-Fiberight Applications for Solid Waste Processing Facility (#S-022458-WK-A-N), Air Emission License (#A-1111-71-A-N), State Stormwater Permit (#L-26497-NJ-B-N), Site Location of Development Act Minor Revision (#L-26497-26-C-M) and Natural Resources Protection Act Individual Permit (#L-26497-TG-A-N)

Dear Mr. Lippincott:

In reviewing our files, we realized that we mailed you an incorrect version of the letter responding to your request for a public hearing on these applications. Please replace the August 24, 2015 letter that you received with this corrected version. We apologize for this error.

Thank you for your e-mail dated August 3, 2015, regarding the above-referenced applications for permits for a municipal solid waste (MSW) processing and recycling facility (Facility) in Hampden, ME. The Municipal Review Committee (MRC) and Fiberight have jointly filed applications to construct and operate the Facility, which will be designed to accept up to 650 tons per day of in-state MSW.

Staff reviewed your e-mail requesting that the Department hold a public hearing for the proposed project. According to the Department's Rules Concerning the Processing of Applications and Other Administrative Matters, 06-096 CMR 2 § 7, "the Department will hold a hearing in those instances where the Department determines there is credible conflicting technical information regarding a licensing criterion and it is likely that a public hearing will assist the decision maker in understanding the evidence." Your request refers to several concerns regarding how this facility fits into the State's waste hierarchy. Staff reviewed your request and advised me that it does not contain credible conflicting technical information regarding licensing criteria to support a public hearing. Therefore the Department has determined that there is insufficient justification to hold a public hearing for the pending application in this instance. Nonetheless, we will continue to welcome and consider any comments submitted during the review of this application.

The Department will be holding a public meeting in the Hampden area to receive comments about this project. These meetings will be open to everyone and are designed to provide an opportunity for everyone to offer comments about the project.

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Again, thank you for your e-mail. If you have further questions please contact the project manager, David Burns, at dave.e.burns@maine.gov.

Sincerely,



Patricia W. Aho
Commissioner

cc: Greg Louder, MRC
Craig Stuart-Paul, Fiberight
Denis St. Peter, CES
David Burns, DEP
Karen Knuuti, DEP
Lynn Muzzey, DEP
Tiffany LaClair, DEP

Burns, Dave E

From: Bill Lippincott <wj13@tds.net>
Sent: Monday, August 03, 2015 12:50 PM
To: Burns, Dave E
Subject: request for a public hearing

David,

As a resident of Hampden, I would like to request a public hearing concerning the application for a solid waste processing facility in Hampden, Maine by the Municipal Review Committee and Fiberight, L.L.C. submitted to the Department on June 24, 2015, accepted for processing on July 15, 2015

This proposed waste processing facility does not support the state hierarchy and the most current thinking on treatment of solid waste: specifically, Fiberight's plan to take MSW as unsorted waste. Fiberight proposes to take MSW including organic material, recyclable material, and all other MSW mixed together; they will then do the sorting (while also agreeing to take waste that's been sorted). Their proposal appears to depend on receiving organic waste as the main component of their revenue stream - turning organic waste into bio-fuel. But from the discussions I participated in throughout the day at a Bangor Area Regional Solid Waste Meeting with stakeholders at the Mitchell Center on June 29th on, I heard from dealers in recyclable material that the value of recyclable material declines considerably if mixed with organic and other material; recyclables have the highest value when presorted, and can have little or no market value if mixed with other waste, especially organic waste. Reviewing the findings from this session, and the findings from sessions of stakeholders at Regional Solid Waste Meetings throughout the state: Northern Maine, Western Maine, Central Maine and Southern Maine, a common theme was the importance of removing organics before that material becomes part of the waste stream:

"Organics will no longer be part of the waste stream, but a resource" Southern Maine; "We will follow the waste hierarchy and capture all organics...huge opportunity now to move forward with organics-beneficial economically for all parties to get out of waste stream" Central Maine; "models that support/encourage recycling, composting...support funding/data/technology/space for composting organics" Western Maine; "We will have a strong organics program, beginning with institutional source separation" Northern Maine; "We will put a priority on inventing strategies for capturing organics in the waste stream...diversion of organics" Bangor Area.

And according to the Executive Summary of The Future of Materials Management in Maine Statewide Stakeholder Engagement, May-July 2015:

"Achievement of the waste hierarchy will require investment in and support for diversion programs and technologies, organics diversion represents a significant opportunity.

We will need strong policy leadership to provide direction and incentives for removing organics and other recoverable materials from the waste stream."

And in the Compiled Outcomes Report from the Stakeholders meetings:

"Finding methods to divert organics: Organics diversion was a common (and often dominant topic) at each the five regional meetings. At several meetings stakeholders envisioned a future in which there are no organics in the waste stream."

The key is to divert and separate out organics initially, not mix it in with other MSW and devalue potential recyclable material. From discussions with stakeholders working on solid waste issues, I heard that it would make much more

sense to remove as much of the organic material, esp. food waste from institutional cafeterias, restaurants, supermarkets, etc as possible before it gets mixed in with MSW, and to compost the organic material. This would take away what I understand to be the largest source for producing Fiberight's proposed bio-fuel, its profitable product. If the MRC follows best practices for dealing with MSW, which it should, the financial viability of this plant is in question.

Another major consequence of Fiberight's policy of taking recyclable material, organic waste and every other kind of MSW combined without initially sorting out the first two materials would be to discourage towns from continuing with their current recycling practices, and to discourage towns that are not yet recycling to begin recycling. Fiberight offers a way for towns and citizens not to feel any responsibility to recycle. The impact of less recycling will be a further eroding of the state's mandated goals of following the state hierarchy; as already stated, there is less recovery and value of recyclable materials once they are mixed with organics and other MSW.

In addition, given the fact that Fiberight has not completed financing for this project and they've yet to break ground on their first actual full size plant in Iowa, (despite earlier pronouncements that they would begin construction in the spring of 2015) and the technology is unproven on the scale they propose, it's questionable as to whether they can and will have an operational plant in Hampden by 2018. And if Fiberight is not up and running, under this plan, MSW from every town contracted with Fiberight will be landfilled in Norridgewock, which would be the least favorable treatment for MSW, according to the state hierarchy.

For all of these reasons, I believe a full public hearing is in order before this project goes forward.

Bill Lippincott
30 Wilbur Drive
Hampden
August 3, 2015